Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
Joseph Paul Ferraro)	File No. EB-04-NY-186
ASR # 1044854 Poughkeepsie, New York)))	NOV No. V20043238023
)	

NOTICE OF VIOLATION

Released: July 23, 2004

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

- 1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules, to Joseph Paul Ferraro.
- 2. On July 13, 2004, an agent of the Commission's New York Office inspected the antenna structure, ASR # 1044854, located at Poughkeepsie, New York, and observed the following violation(s):
 - a. 47 C.F.R. § 17.50: "Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility." The paint on the structure was badly faded.
 - b. 47 C.F.R. § 17.56(a): "...Replacing or repairing of lights...shall be accomplished as soon as practicable." The ASR's painting and lighting specifications, in accordance with FCC Form 715, "Obstruction Marking and Lighting Specifications For Antenna Structures," Paragraph 3, requires that "there shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620 or 700 watt lamps...both lamps to burn simultaneously, and equipped with aviation red color filters..." One of the top beacon lamps was extinguished, and the aviation red color filter enclosing the functioning lamp was cracked. Additionally, one of the side lights at the midpoint of the structure was extinguished.
- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Joseph Paul Ferraro, must submit a written statement concerning

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¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission New York Office 201 Varick Street, Suite 1151 New York, NY 10014

- 4. This Notice shall be sent to Joseph Paul Ferraro, 316 Main Street, Poughkeepsie, NY 12601.
- 5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel District Director New York Office

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³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 et seq.